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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

SALVADOR MENA,

Defendant and Appellant.

2d Crim. No. B264389
(Super. Ct. No. F278034001)
(San Luis Obispo County)

Appellant Salvador Mena was convicted in 1999 of knowingly possessing controlled substances in prison or jail in violation of Penal Code section 4573.6.¹ In 2015, appellant petitioned for reduction of the offense to a misdemeanor pursuant to section 1170.18, subdivision (f).

The prosecution objected to the petition, arguing that appellant was not eligible for the requested relief because a violation of section 4573.6 is not a qualifying offense under section 1170.18, and because he has disqualifying prior convictions for lewd or lascivious conduct with a child under the age of 14 (§ 288, subd. (a)) and sodomy (§ 286, subd. (c)). (See § 1170.18, subd. (i).)

The trial court agreed with the prosecution. It denied the petition on the basis that the offense for violating section 4573.6. is not eligible for reduction under

¹ All statutory references are to the Penal Code.

section 1170.18. It also determined that appellant is ineligible for the requested relief because he has at least one "prior conviction[] for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of [s]ection 667 or for an offense requiring registration pursuant to subdivision (c) of [s]ection 290." (§ 1170.18, subd. (i).) Appellant timely appealed.

Appointed counsel filed a brief raising no issues and requesting our independent review pursuant to *People v. Wende* (1979) 25 Cal.3d 436. On October 13, 2015, we notified appellant that he had 30 days in which to advise us of any claims he wished us to consider. We have received no response.

We have reviewed the entire record and are satisfied that appellant's attorney has fully complied with her responsibilities and that no arguable issues exist.² (*People v. Kelly* (2006) 40 Cal.4th 106, 123-124; *People v. Wende, supra*, 25 Cal.3d at p. 441.)

The judgment is affirmed.

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PERREN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

² The facts underlying the 1999 conviction are not contained in the record and are not relevant to any possible issue on this appeal. Accordingly we have not set forth a statement of facts.

Donald G. Umhofer, Judge

Superior Court County of San Luis Obispo

Laini Millar Melnick, under appointment by the Court of Appeal, for
Defendant and Appellant.

No appearance for Plaintiff and Respondent.